

REMARKS

The present application was filed on February 11, 2004 with claims 1-37. Claims 1-37 remain pending and claims 1 and 27-30 are the pending independent claims. Claims 2 and 18 have been canceled without prejudice.

In the Advisory Action dated November 27, 2007, incorporating by reference the final Office Action dated June 27, 2007, the Examiner indicated claims 1-37 as rejected under 35 U.S.C. §103(a) as being unpatentable over an article by B. Medjahed et al. entitled, "Business-to-Business Interactions: Issues and Enabling Technologies," (hereinafter "Medjahed") in view of U.S. Patent Application Publication No. 2003/0212778 (hereinafter "Collomb").

Applicants initially note that a response to the final Office Action was filed on August 27, 2007, which is within two months from the mailing date of the final Office Action. Therefore, under MPEP §714.13, Applicants are entitled to pay an extension fee calculated from the mailing date of the Advisory Action which, in this case, is one month.

Further, Applicants have submitted herewith a Request for Continued Examination under 37 CFR §1.114 along with the fee under 37 CFR §1.17(e). Thus, Applicants respectfully request that prosecution be reopened and that the present amendments be entered. Applicants moreover request reconsideration of the present application in view of the amendments above and the remarks below.

Applicants have amended the claims without prejudice solely to clarify the subject matter which the Applicants claim as their invention. More specifically, claim 1 has been amended to incorporate the limitations of claims 2 and 18, which have been canceled without prejudice. Independent claim 1 now recites a method of managing data associated with a given domain. The method comprises the steps of maintaining a specification of data attributes representing one or more types of service level management data elements; maintaining a specification of algorithms representing one or more types of service level management operations performable in accordance with the data attributes; and maintaining a specification of relationships representing service level management relationships between the data attributes and the algorithms; wherein the data attribute specification, the algorithm specification and the relationship specification are maintained in a storage framework having multiple levels; wherein the multiple levels are specified based on the

given domain with which the data being managed is associated and further wherein the multiple levels of the storage framework comprise hierarchical levels such that one level of the storage framework is a refinement of another level of the storage framework. Independent claims 27-30 have also been amended to recite limitations similar to independent claim 1.

With regard to the §103 rejection, Applicants respectfully submit that the claims as amended are not obvious in light of the cited references. Applicants initially note that a proper case of obviousness has not been presented if the references, when combined, do not teach or suggest all the claim limitations. Furthermore, the claimed subject matter is not obvious if there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references or to modify the reference teachings. An analysis supporting a rejection under 35 U.S.C. §103 should be explicit and should not be based on mere conclusory statements. *See KSR v. Teleflex*, 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (U.S., Apr. 30, 2007), quoting *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”).

As previously noted, Applicants have incorporated the limitations of canceled claim 18 into the independent claims. The Examiner argues that service level management data elements, algorithms, and relationships are disclosed by Medjahed at page 65, FIG. 4. Applicants disagree and submit that Medjahed discloses techniques, systems, products and standards for business-to-business (B2B) interactions and a set of criteria for assessing the different business-to-business interaction techniques, standards and products. Figure 4 of Medjahed discloses the components of a B2B e-commerce system, not a service level management system. B2B interaction is a term used to specifically describe electronic commerce transactions between businesses. The term can not be used interchangeably with service level management.

Service level management is not disclosed in Medjahed or Collomb. For example, the Examiner argues that Medjahed in view of Collomb teaches a service level management domain (limitation of claim 16). The Examiner relies on Medjahed, page 79, table 1. Applicants disagree

and respectfully submit that Medjahed, page 79, table 1 is a comparison chart describing different B2B interaction technologies and is unrelated to service level management techniques. *See* Medjahed, pg. 78, section 7.1.

For at least these reasons, the combination of Medjahed and Collomb fail to teach or suggest any limitation related to service level management. It follows that the combined references do not teach or suggest service level management data elements, service level management operations, and service level management relationships as recited in the independent claims.

Next, Applicants have incorporated the limitation of canceled claim 2 into the independent claims. The Examiner argues that the limitation of claim 2 is disclosed by Medjahed at page 60, section 2.1, first paragraph. Applicants disagree and submit that Medjahed does not disclose a multiple level storage framework comprising hierarchical levels such that one level of the storage framework is a refinement of another level of the storage framework. In the portions of text cited by the Examiner, Medjahed discloses that the architecture of a B2B interaction framework includes modules. Applicants respectfully submit that this disclosure does not teach a storage framework comprising hierarchical levels such that one level of the storage framework is a refinement of another level of the storage framework.

Furthermore, Applicants submit that Medjahed does not teach the limitation of a multiple level storage framework that maintains the data attribute specification, the algorithm specification, and the relationship specification, wherein the multiple levels are specified based on the given domain with which the data being managed is associated. *See, e.g.*, Claim 1. The Examiner argues that Medjahed describes a multiple level storage framework at Medjahed, page 71-72. *See* Final Office Action, pg. 4, second full paragraph. Applicants disagree and submit that Medjahed is describing an Electronic Business XML (ebXML) infrastructure and business documents that are composed of three types of components. Applicants respectfully contend that a business document containing three types of components fails to teach a multiple level storage framework. Furthermore, Medjahed is not disclosing a framework related to service level management. Medjahed's discussion of ebXML was made in the context of XML-based B2B interaction frameworks, not service level management frameworks. *See* Medjahed, pg. 69, sections 4 and 4.1. It follows that Medjahed does

not teach a multiple level storage framework that maintains data attribute specification, algorithm specification, and relationship specification which are related to service level management.

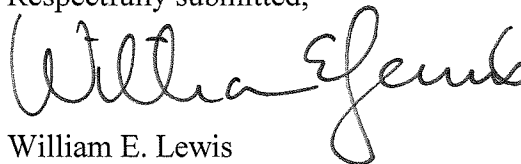
For at least these reasons, the combination of Medjahed and Collomb fail to teach or suggest that the data attribute specification, the algorithm specification and the relationship specification are maintained in a storage framework having multiple levels, wherein the multiple levels are specified based on the given domain with which the data being managed is associated and further wherein the multiple levels of the storage framework comprise hierarchical levels such that one level of the storage framework is a refinement of another level of the storage framework.

Accordingly, it is believed that the combined teachings of Medjahed and Collomb fail to teach the limitations of the independent claims as amended. It follows that the cited references do not suggest or motivate a person having ordinary skill in the art of service level management to combine the reference teachings. As such, Applicants assert that claims 1 and 27-30 are patentable over Medjahed and Collomb.

Dependent claims 2-26 and 31-37 are patentable by virtue of their dependency from respective independent claims 1 and 30 and also recite patentable subject matter in their own right. Accordingly, withdrawal of the rejection to claims 1-37 under 35 U.S.C. §103(a) is therefore respectfully requested.

In view of the above, Applicants believe that claims 1-37 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis", written in a cursive style.

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